



"The City With a Heart"

Larry Franzella, Mayor
Jim Ruane, Vice Mayor
Ken Ibarra, Councilmember
Rico E. Medina, Councilmember
Irene O'Connell, Councilmember

MINUTES

CITY COUNCIL MEETING

September 8, 2009

7:00 p.m.

1. CALL TO ORDER: THIS IS TO CERTIFY THAT the San Bruno City Council met in regular session on September 8, 2009 at the San Bruno Senior Center, 1555 Crystal Springs Road. The meeting was called to order at 7:00 p.m.

Mayor Franzella thanked the **San Bruno Garden Club** for the beautiful floral arrangement.

2. ROLL CALL/PLEDGE OF ALLEGIANCE: Presiding was Mayor Franzella, Vice Mayor Ruane and Councilmembers O'Connell and Medina in attendance. Councilmember Ibarra was excused, with notice. Recording by Clerk Bonner. Clerk Bonner led the Pledge of Allegiance.

3. ANNOUNCEMENTS:

Mayor Franzella announced the San Bruno Redevelopment Agency Meeting would follow tonight's meeting.

4. PRESENTATIONS: None.

5. REVIEW OF AGENDA: No changes.

6. APPROVAL OF MINUTES: Special Council Study Session Meeting of August 25, 2009 and Regular Council Meeting of August 25, 2009, approved as submitted.

7. CONSENT CALENDAR:

- a. **Approve:** Payroll of August 16, 2009.
- b. **Approve:** Accounts Payable of August 17, 24 and 31, 2009.
- c. **Waive:** Second Reading and Adopt an Ordinance Amending 12.84 of San Bruno Municipal Code, Regulating Adult Businesses and Massage Establishments.
- d. **Accept:** Grant from the State of California, Office of Traffic Safety in the Amount of \$80,895 and Implement the Driving Under the Influence Education and Enforcement Program.
- e. **Adopt:** Resolution Authorizing the Closure of San Mateo Avenue Between Jenevein Avenue and Sylvan Avenue on Sundays from October 25, 2009 through November 22, 2009 between 7:00 am and 4:00 pm for Farmers' Market.

Mayor Franzella pulled Item 7e.

M/S Medina/Ruane to approve the remainder of the consent calendar and passed with all ayes. Councilmember Ibarra absent.

Mayor Franzella said Item 7e. was for an extension of time on the Farmers Market and he wanted to congratulate the Chamber of Commerce for the success of the market. He said a number of merchants have commented on how pleased they are with the turnout.

Councilmember Medina also said the success of going to the market was an attribute to the community and the avenue. He said he understood as of today's date, no employee overtime had been expended for the market. He commented porta potti access should be listed in the report and he spoke of emergency accessibility and to be sure the booths are secured for safety reasons.

M/S Ruane/Medina to approve remainder of the consent calendar and passed with a unanimous vote. Councilmember Ibarra was absent.

8. PUBLIC HEARINGS (Notices have been published, posted and mailed): None.

9. PUBLIC COMMENT ON ITEMS NOT ON AGENDA:

Isin E. al-Otat, Pine Street, expressed her dissatisfaction with the San Bruno Police and shared her experiences. She asked if the San Bruno Police Department has audits? She asked for a Law Commissioner.

Councilmember Medina pointed out Robert Riechel was the head of the Crime Prevention Committee and they have meetings, which can be attended by anyone.

10. CONDUCT OF BUSINESS:

a. Receive Report and Approve Response to the Grand Jury Report Entitled: "Reversing the Upward Trajectory of Employee Costs in the Cities of San Mateo County."

City Manager Jackson gave an overview of the staff report and covered some of the most significant items covered by the Grand Jury.

Administrative Services Director O'Leary completed the overview of the Grand Jury report as covered in the staff report.

Councilmember O'Connell said it sounded like a very complicated issue was made very clear.

M/S Ruane/O'Connell to approve the response to the Grand Jury and passed with all ayes. Councilmember Ibarra absent.

b. Adopt Resolution Amending the 2009-10 Capital Improvement Program Adding the Caltrain Grade Separation Project and Appropriating a Project Budget of \$250,000.

Public Services Director Fabry gave a summary of the staff report in a power point presentation and asked for questions.

Councilmember Medina said he was concerned when things are fast tracked. He didn't want little things overlooked. He wanted to make sure we strive for what we want. He said in 1974 there was a plaque done on San Mateo Avenue and he wanted to be sure we kept site of it.

City Manager Jackson said this is one of the largest and most complicated projects constructed in San Bruno and it will require attention. She said the City would need to assert themselves during this project.

Robert Riechel, 7th Ave. said there was a due date and a \$30 million budget. He said he wished we had some leverage to keep the features the City and the Redevelopment Agency wanted.

Vice Mayor Ruane introduced the resolution for adoption and passed with a unanimous vote. Councilmember Ibarra absent.

c. Receive Report and Provide Direction to Staff on Priorities for Sidewalk Repair Program for 2009-10.

Public Services Director Fabry gave an overview of the staff report and asked for Council direction.

Councilmember O’Connell said if we give them notice we would expect them to start in 30 days and finish within 60 days. She was concerned over the safety hazard. She said she believed the time frame should be changed.

Isin E. al-Otat, Pine Street asked if it was the suggestion of staff for the homeowner to incur the cost to repair the sidewalk. Mayor Franzella said the City is recommending 25%. Isin said as a resident, she felt the City should pay 50% to 75%.

Councilmember O’Connell said the City has never required the homeowner to pay for repairs. Mayor Franzella said because we have not actively pursued a law that has been on the books, that is why the sidewalks are in need of such repair.

Fabry said there was a need to have a very public outreach and education program.

Fabry also responded to the timeline which gives time for the repair. **Mayor Franzella** said when a contractor is involved they get in and get the job done vs. a homeowner who handles it as a weekend job. **Fabry** said it has to be a qualified/licensed contractor. **Mayor Franzella** said this needs to be conveyed through public education.

Councilmember Medina said this is a huge educational experience and it needs to be user friendly.

Councilmember O’Connell said a few years ago the City received a grant and did some sidewalk repair with recycled tires. She talked about colors. She said she would like to see the City continue to pursue getting grants.

Councilmember Medina said grants are good but he believed it is up to the City to go ask the homeowner the color they place in front of their homes.

Fabry said the City should have a standard.

d. Adopt Resolution Authorizing the City Manager to Execute Construction Agreement with G. Bartolotto & Co., Inc. for the American Reinvestment and Recovery Act Paving Project, Project No. 84210 Federal Aided Project No. ESPL-5226(016) in the Amount of \$629,228 and Approving Construction Budget in the Amount of \$692,228.

Public Services Director Fabry gave an overview of the staff report and asked for questions.

Councilmember Medina introduced the resolution for adoption and passed with a unanimous vote. Councilmember Ibarra absent.

11. REPORT OF COMMISSIONS, BOARDS, & COMMITTEES: None.

12. COMMENTS FROM COUNCIL MEMBERS:

Councilmember Medina said an issue facing our State as well as our community are items taken from recycle bins. He said there is an ordinance prohibiting theft and the items placed in these bins do not go into the pockets of the garbage company. It helps to offset what we pay as ratepayers. He said if anyone sees someone stealing from recycle bins, please contact the Police.

Vice Mayor Ruane said he would be working with the Garbage Company to see what can be enhanced to discourage the thievery of recyclables. He also congratulated staff and Public Works for the Maple Street Pump Station.

Mayor Franzella recessed the Council meeting to the Redevelopment Agency Meeting at 8:16 p.m.

Mayor Franzella resumed the City Council Meeting at 8:22 p.m.

13. CLOSED SESSION:

Mayor Franzella read the closed session items, pulled Item d. and said there would be no reportable action coming from these discussions.

a. Closed Session to Provide Direction to Legal Counsel whether to Initiate Litigation. (Cal. Gov't Code Section 54956.9(c).

b. Closed Session to Provide Direction to Legal Counsel whether to Initiate Litigation. (Cal. Gov't Code Section 54956.9(c).

c. The City Manager and Human Resources Director Request a Closed Session Pursuant to Cal. Gov't Code Section 4957.6 Regarding Direction for Labor Negotiations with the San Bruno Police Bargaining Unit.

d. Closed Session for purpose of City Attorney's Performance Evaluation (Gov't Code Section 54957).

14. ADJOURNMENT:

Mayor Franzella closed the meeting at 8:23 p.m. The next regular City Council Meeting will be held on September 22, 2009 at 7:00 p.m. at the Senior Center, 1555 Crystal Springs Road, San Bruno.

Respectfully submitted for approval
At the regular City Council Meeting of
September 22, 2009

Carol Bonner, City Clerk

Larry Franzella, Mayor